

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 35

Filed by: Trial Section Merits Panel  
Box Interference  
Washington, D.C. 20231  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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JOHN N. ARGYROPOULOS, MOLLY I. BUSBY and JEFFREY M. O. LEWIS,

Junior Party,  
(Patent 5,412,049),

v.

SHANTI SWARUP, GREGORY J. MCCOLLUM and DEBRA L. SINGER

Senior Party,  
(Application 09/071,174).

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Patent Interference No. 104,465

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Before: McKELVEY, Senior Administrative Patent Judge, and  
SCHAFFER and TORCZON, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge

**JUDGMENT PURSUANT TO 37 CFR § 1.640**

An order (Paper 34, page 50) required Argyropoulos to  
show cause why judgment should not be entered against it. A  
response was not timely received. On 20 September 2000,

personnel of the Trial Section contacted Mr. Warren K. Volles, Esq., counsel for Argyropoulos. Mr. Volles indicated that Argyropoulos would not be filing a response.

Upon consideration of the record, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, page 47), the sole count in the interference, is awarded against junior JOHN N. ARGYROPOULOS, MOLLY I. BUSBY and JEFFREY M. O. LEWIS.

FURTHER ORDERED that junior party JOHN N. ARGYROPOULOS, MOLLY I. BUSBY and JEFFREY M. O. LEWIS is not entitled to a patent containing claims 1-3 and 5-10 (corresponding to Count 1) of U.S. Patent 5,412,049, issued 2 May 1995, based on application 08/220,721, filed 31 March 1994.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/071,174 and U.S. Patent 5,412,049.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

FRED E. McKELVEY, Senior	)	
Administrative Patent Judge	)	
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RICHARD E. SCHAFER	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
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RICHARD TORCZON	)	
Administrative Patent Judge	)	

104,465

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